

4567
1 BILL NO. Z-79-08-19

2 ZONING MAP ORDINANCE NO. Z- 24-79

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. M-3.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby desig-
8 nated a R-1 District under the terms of Chapter 33, Municipal Code of the
9 City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort
10 Wayne Zoning Map No. M-3, referred to therein, established by Section 33-11,
11 of said Chapter are hereby changed accordingly, to wit:

12 Williams Woodland Park Block 1, Lots 1 - 22, as Amended
13 Williams Woodland Park Block 2, Lots 1 - 22, as Amended
14 Williams Woodland Park Block 3, Lots 12 - 22, as Amended
15 Williams Addition, Lots 214 - 230

16 SECTION 2. That this Ordinance shall be in full force and effect
17 from and after its passage, approval by the Mayor and legal publication
18 thereof.

19 Samuel H. Tolson
20 Councilman
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30 APPROVED AS TO
31 FORM & LEGALITY

32 William N. Salin
William N. Salin, City Attorney

Read the first time in full and on motion by _____, seconded by _____

Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 8-14-79

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Nuckols,

seconded by Hinga, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 10-9-79

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE
(RESOLUTION) No. 3-24-79 on the 9th day of October, 1979.
ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Winifred C. Wingo Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1979, at the hour of 11:30 o'clock 4 M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 17 day of October, 1979,
at the hour of 10 o'clock _____ M., E.S.T.

Robert E. Hunsberger
MAYOR

Bill No. Z-79-08-19

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. M-3

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

10-4-79

CONCURRED IN

DATE _____ CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 14, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-08-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 17, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

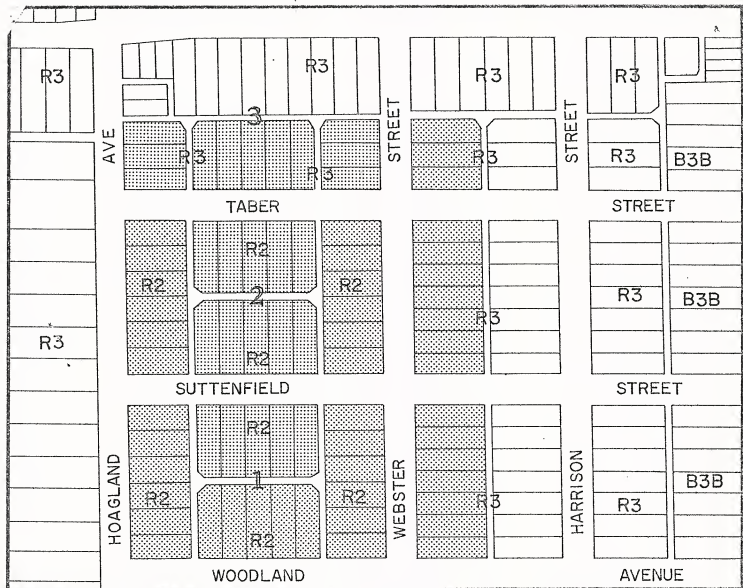
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 24, 1979.

Certified and signed this
25th day of September 1979.



Thomas G. Adams
Secretary



MAP NR. - M-3

Z-79-08-19



OFFICE OF THE GOVERNOR
INDIANAPOLIS, INDIANA 46204

OTIS R. BOYEN, M. D.
GOVERNOR

November 2, 1979

Mr. Charles W. Westerman
Clerk of the City of Ft. Wayne
Office of the City Clerk
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Dear Mr. Westerman:

This is to acknowledge receipt of your letter in which you enclosed a copy of resolution R-63-79 requesting the Public Service Commission to hold hearings on winter disconnections of utility service.

You may not be aware that, over the past several years, the Commission has held extensive hearings on disconnection of service and a number of related issues. As a result of these hearings, rules outlining the rights and obligations of consumers and utilities with respect to these issues have been adopted with regard to electric, gas, water and telephone utilities. I understand the Citizens Action Coalition, its predecessor organizations, as well as other consumer groups, participated extensively in these proceedings.

Following the Commission's adoption of these rules and regulations concerning disconnection of utility service and other related matters, Congress enacted the National Energy Act. Title I of that Act, known as the Public Utility Regulatory Policies Act of 1978 (PURPA) requires state commissions to consider certain rate and service standards, including those relating to termination of utility service and information to consumers. This past summer, the Commission held public hearings in an effort to determine if its existing rules for standards of service for electric and gas utilities were in compliance with PURPA. The Citizens Action Coalition participated in these hearings. As you may know, on October 29, the Commission found its existing rules to conform with the PURPA requirements. The Commission did, however, warn that if further evidence shows the utilities are not doing a sufficient job in this area, more stringent rules will be considered.

Charles W. Westerman

Page 2

November 2, 1979

The proceedings which resulted in the Commission's existing rules were public proceedings at which public comment was encouraged and usually received from consumers as well as consumer groups. While I share the Council's concern for ratepayers, particularly those who are especially vulnerable to physical harm from the termination of utility services, the Public Service Commission appears to have adequately provided remedies for these ratepayers in their existing rules. I will, therefore, support the Commission's determination as to the necessity for additional hearings.

Kindest personal regards,



Otis R. Bowen, M.D.
Governor

ORB:dt

STATE - INDIANA

PUBLIC SERVICE COMMISSION
901 STATE OFFICE BUILDING



INDIANAPOLIS 46204

October 25, 1979

Mr. Charles W. Westerman
Clerk of the City of Fort Wayne
Office of the City Clerk
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Dear Mr. Westerman:

Thank you for your letter of October 23, 1979 and enclosed copy of Resolution No. R-63-79 of the Common Council of the City of Fort Wayne. I would appreciate it if you would distribute this copy of my reply to your letter and the Resolution to the members of the Common Council.

We conducted extensive hearings throughout 1974 and 1975 on the issues of deposits, disconnection of service, billing practices, information to consumers, resolution of disputes and appeals therefrom, etc., with regard to electric utilities. Following several hearings held over approximately a year and a half, rules spelling out the rights and obligations of consumers and electric utilities with respect to these issues were adopted and became effective in mid 1976. Additional hearings were thereafter held resulting in the adoption of similar rules applicable to gas utilities in October of 1976. After still more hearings, we have now completed the revision of our rules concerning these issues as they relate to water and telephone service. The Citizens Action Coalition, and/or its predecessor organizations, participated extensively in these proceedings along with other consumer groups.

The adoption by the Commission of the revised standards of service for electric and gas public utilities as they now exist with regard to disconnection of service and related matters - such as the provisions for customers to obtain extensions of time within which to pay their bills in cases of financial or physical hardship - was generally acclaimed by most consumer groups as providing both utilities and consumers with sound, workable rules. The utilities, however, generally seemed to feel that the new rules were excessively burdensome. Subsequently legislation was introduced in the Indiana General Assembly and generally supported by citizens groups proposing that rules substantially in the same form and substance as those adopted by this Commission be made statutory state law. The legislature did not enact that legislation, but did specifically authorize and require the Commission to adopt such rules so that any question that might have existed as to the legal authority of the Commission to adopt those rules that it had already adopted was eliminated.

Following the adoption of revised rules by this Commission concerning disconnection of utility service and other related matters, the National Energy Act was passed by Congress. Title I of the National Energy Act, known as the Public Utility Regulatory Policies Act of 1978 (PURPA), requires state commissions to consider certain rate and service standards. One of those service standards relates to termination of utility service and another service standard relates to information to customers. Proceedings were thereafter initiated by this Commission to determine, through additional public hearings, whether our existing rules for standards of service for electric and gas utilities were in compliance with the PURPA requirement that we consider these issues. The Citizens Action Coalition participated in the hearings held thereon on July 5, 1979. The Commission has not yet issued an order with respect to the evidence heard and briefs filed in those proceedings, but expects to do so soon. If it finds that additional hearings must be held in order to comply with PURPA, such hearings will be scheduled promptly.

Even if it finds that its existing rules are in full compliance with PURPA, such a finding would not preclude the Commission from exercising its discretion to initiate additional legislative proceedings to amend any rules previously adopted by this Commission, including those pertaining to disconnection of utility service. However, prior to initiating such discretionary legislative proceedings, the Commission should have reason to perceive a genuine need for revision of the existing rules. Our existing rules have been in effect for about three years now in the case of electric and gas utilities. They appear to be working well, and we know of no elderly, handicapped or financially disadvantaged person who has suffered any undue hardship as a result of disconnection of utility service who timely followed the procedures outlined in the existing rules.

We know that some utilities have not been as good as others with regard to encouraging utilization of the rules by customers, although all the utilities required to do so have, to the best of our knowledge, followed the letter of our rules with regard to advising customers of their rights through the distribution of pamphlets and reference to those pamphlets on disconnect notices. Our existing rules were promulgated over the objection of utilities who have since indicated that the rules as they now exist have caused their write-offs of uncollectible accounts to soar, thereby causing the cost to serve all their customers to rise unnecessarily.

Contrary to the beliefs of some, it is not true that we have never turned down a utility company request for a hearing with regard to similar issues and proceedings. Rule making is a legislative function of this Commission and I cannot recall any utility requesting that the Commission initiate legislative rule making proceedings on any issue since I have been a member of the Commission the past five and one half years. The more frequent situation which often occurs is that we initiate such hearings over the objection of utilities or with their less than enthusiastic support. All such proceedings are public proceedings at which public comment is encouraged and usually received from consumers and consumer groups.

Thank you for writing to me and letting us know of your concerns. We share the same concerns you do about ratepayers who, because of their special circumstances, are especially vulnerable to physical harm from termination of utility services and we have acted to provide remedies for these ratepayers.

Respectfully yours,

A handwritten signature in black ink, reading "Harry J. Wallace". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Harry J. Wallace
Chairman

gk

Date Filed _____

Intended Use _____

I/We Williams - Woodland Neighborhood Association
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from an R-2 & R-3 District to an R-1 District the property described as follows:

Williams Woodland Park Block 1, Lots 1 - 22, as Amended

Williams Woodland Park Block 2, Lots 1 - 22, as Amended

Williams Woodland Park Block 3, Lots 12 - 22, as Amended

Williams Addition, Lots 214 - 230

(Legal Description) If additional space is needed, use reverse side.

West Boundary - East side of Hoagland; North Boundary - East-West alley

between Taber & Creighton; East Boundary - East side of Webster; South

Boundary - North side of Woodland

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

See attached petitions

(Name) (Address & Zip Code) (Signature)
(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under advisement shall be filed, in writing, in the office of Community Development and Planning, by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for the meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: \$50.00)

Name and address of the preparer, attorney or agent.
Lebamoff & Associates 1416 Anthony Wayne Bank Bldg.
By Kenneth R. Scheibenberger Fort Wayne, Indiana 46802 (219) 423 2581
(Name) (Address & Zip code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning

Owners of Property

(Name)	(Address & Zip Code)	(Signature)

West Boundary - the east side of Hoagland; North
Boundary - the E/W alley between Taber & Creighton;
East Boundary - Webster (both sides); South Boundary - Intended Use
- north side of Woodland.

Date Filed _____

I/We, the undersigned, certify that I am We are the owner (s) of fifty-one percentum (51%) or more of the property described in this petition.

PRINT NAME	ADDRESS	SIGNATURE
Joseph D Bender	340 W. Suttentfield	Joseph D. Bender
KAY RAINS	341 W. Suttentfield	Kay Rains
Lee Roy RAINS	341 W. Suttentfield	Lee Roy Rains
Robert W Kimes	321 W Suttentfield	Robert W Kimes
Max JARIE E. KIMMOS	321 W. Suttentfield	Max JARIE E. Kimmos
x Robert R. Phillips	330 W. Suttentfield	Robert R. Phillips
VICTORIA I. STATLER	330 W. Suttentfield	Victoria I. Statler
Ernie Trimble	327 W. Suttentfield	Ernie Trimble
x JOSEPH E. TRIUBLE	327 W SUTTENFIELD	Joseph E. Trimble
Lori Ross	332 W. Suttentfield	Lori K. Ross
x Lealitta Baker	346 W. Suttentfield	Lealitta Baker
HELEN BAKER	346 W. Suttentfield	Helen Baker
RICHARD K. ROSS	322 W. SUTTENFIELD	R K Ross
Rhonda H. Hunsicker	343 W. Suttentfield	Rhonda Hunsicker
NEAL I. BETTS	2501 Hoagland	Neal I. Betts
Dolores M. Betts	2501 Hoagland	Dolores M. Betts
MAX R MUELLER	2435 Hoagland	Max Mueller
Marsha K Mueller	2435 Hoagland	Marsha K. Mueller
Helen Sullivan	316 W. Suttentfield	Helen Sullivan
PIER C. JEMERENKO	315 W. SUTTENFIELD	Pier C. Jemerenco
Michael A. Haney	2544 S. Webster	Michael A. Haney

(Name)

(Address)

(Signature)

West Boundary - the east side of Hoagland; North
 Boundary - the E/W alley between Taber & Creighton;
 East Boundary - Webster (both sides); South Boundary - Intended Use
 - north side of Woodland.

Date Filed _____

I/We, the undersigned, certify that I am We are the owner (s) of fifty-one
 percentum (51%) or more of the property described in this petition.

PRINT NAME	ADDRESS	SIGNATURE
<u>Wivian Hanen</u>	<u>2514 So. Webster</u>	<u>Wivian Hanen</u>
<u>Becky Chomerecho</u>	<u>315 W. Suttonfield</u>	<u>Becky Chomerecho</u>
<u>James M. Fick</u>	<u>2415 Hoagland Ave.</u>	<u>James M. Fick</u>
<u>Kent D. Woodfill</u>	<u>342 W. TABER</u>	<u>Kent D. Woodfill</u>
<u>ANN WOODFILL</u>	<u>342 W. TABER</u>	<u>Ann Woodfill</u>
<u>DIANNE HAGEN</u>	<u>338 W. TABER</u>	<u>Dianne Hagen</u>
<u>BRUCE HAGEN</u>	<u>338 W. TABER</u>	<u>Bruce Hagen</u>
<u>JOSEPH F. DOUST</u>	<u>341 W. TABER</u>	<u>Joseph F. Doust</u>
<u>MARY E. DOUST</u>	<u>341 W. TABER</u>	<u>Mary E. Doust</u>
<u>MARK G. EYLENBERG</u>	<u>2417 S WEBSTER</u>	<u>Mark E. Eylenberg</u>
<u>GABE EYLENBERG</u>	<u>2417 S WEBSTER</u>	<u>Gabe Eylenberg</u>
<u>WILLIAM E. HOWARD</u>	<u>7425 Webster</u>	<u>W. E. Howard</u>
<u>CLARENCE L. DILLEY</u>	<u>2415 WEBSTER</u>	<u>Clarence L. Dilley</u>
<u>ANNA F. DILLEY</u>	<u>2415 WEBSTER</u>	<u>Anna F. Dilley</u>
<u>JAMES J. RUSSELL</u>	<u>2412 WEBSTER</u>	<u>James J. Russell</u>
<u>KATHERINE F. RUSSELL</u>	<u>2412 WEBSTER</u>	<u>Katherine F. Russell</u>
<u>Marion M. Rastetter</u>	<u>2329 Hoagland</u>	<u>Marion M. Rastetter</u>
<u>Mari Mills</u>	<u>324 W. Taber</u>	<u>Mari Mills</u>
<u>DOUG MILLS</u>	<u>324 W. TABER</u>	<u>Douglas Mills</u>
<u>James N. Franklin</u>	<u>2523 S. Webster</u>	<u>James N. Franklin</u>
<u>Candace Franklin</u>	<u>2523 S Webster</u>	<u>Candace Franklin</u>

(Name)

(Address)

(Signature)

PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. _____

West Boundary - the east side of Hoagland; North
Boundary - the E/W alley between Taber & Creighton;
East Boundary - Webster (both sides); South Boundary -
- north side of Woodland.

Date Filed _____

Intended Use _____

I/We, the undersigned, certify that I am We are the owner (s) of fifty-one
percentum (51%) or more of the address property described in this petition.

Russell Schlensker 322 W Woodland

Russell Schlensker

Marcella Schlensker 322 W Woodland

Marcella Schlensker

John E. Carteaux Sr 332 W. Woodland

John E. Carteaux Sr

Rana Carteaux 332 W Woodland

Rana Carteaux

MARCELLA I. TEW 2501 S. WEBSTER

Marcella I. Tew

BERNARD E. TEW 2501 S WEBSTER

Bernard E. Tew

Charlotte Hudson 2515 Webster

Charlotte Hudson

JOHN F. ARNOLD 2504 WEBSTER

John F. Arnold

MARJORIE M. ARNOLD 2504 WEBSTER

Marjorie M. Arnold

Mrs. Wm. Mitchell 2509 Webster

Mrs. Wm. Mitchell

RONALD E. MILLER 335 W. TABER

Ronald E. Miller

KATHY L. MILLER 335 W. TABER

Kathy L. Miller

Samuel DeBolt 327 W. Taber

Samuel DeBolt

RAYMOND DeBolt 327 W. TABER

Raymond DeBolt

VICTORIA WOENKER 316 W. TABER

Victoria Woenker

F. ROBERT WOENKER 316 W. TABER

F. Robert Woenker

RICHARD E. HART 2518 WEBSTER

Richard E. Hart

MARILYN W. HART 2518 Webster

Marilyn W. Hart

F.E. STANDIFORD 2522 Webster

F.E. Standiford

CHARLES JOHN 314 W. West Woodland

Charles John

343 W. Taber

343 W. Taber

(Name)

(Address)

(Signature)

West Boundary - the east side of Hoagland; North
Boundary - the E/W alley between Taber & Creighton;
East Boundary - Webster (both sides); South Boundary -
- north side of Woodland.

Date Filed _____

Intended Use _____

I/We, the undersigned, certify that I am We are the owner (s) of fifty-one percentum (51%) or more of the property described in this petition.

PRINT NAME	ADDRESS	SIGNATURE
Kenneth R. Savelbergh	343 W. Taber	<i>Kenneth R. Savelbergh</i>
JAY S. KUMARAN	252 S Webster	<i>Jay S. Kumaran</i>
Denika KUMARAN	_____	<i>Denika KUMARAN</i>
Joseph F. Hammer	2521 Hoagland Ave	<i>Joseph F. Hammer</i>
Alma C. Hammen	2521 Hoagland Ave	<i>Alma C. Hammen</i>
Terli D. Cross	2527 Hoagland	<i>Terli D. Cross</i>
KATHRYN A CROSS	2527 Hoagland	<i>Kathryn A Cross</i>
Gather R. Johnson	2435 Webster St	<i>Gather R. Johnson</i>
Ysidro MORENO	2402 WEBSTER ST.	<i>Ysidro Moreno</i>
Ysidro Moreno	2402 Webster St	<i>Ysidro Moreno</i>
Kellien R. Lee	344 W. Woodland	<i>Kellien R. Lee</i>
JAMES E. LEE	344 W. Woodland	<i>James E. Lee</i>
Edward L. Yoh	2535 Hoagland	<i>Edward L. Yoh</i>
Kay Spears	334 W Woodland	<i>Kay Spears</i>
GEORGE A. MACDONALD	304 W. Woodland	<i>George A. Macdonald</i>
NELL MACDONALD	304 W. Woodland	<i>Nell Macdonald</i>
EDWARD MARTI	2421 Hoagland	<i>Edward Marti</i>
BETTY MARTI	2421 Hoagland	<i>Betty Marti</i>
ROBERT JARNIK	2509 Hoagland	<i>Robert Jarnik</i>
JAMES C. KEVER	2430 S. Webster	<i>James C. Kever</i>
VERBA V. WYSS	2420 S. WEBSTER	<i>Verba V. Wyss</i>

(Name)

(Address)

(Signature)

